

FILE

FEB 26 2002

SAMUEL L. KAY, CL
District & Part

JOHN F. HALE, JR.
Petitioner,

CIVIL ACTION NO. 1:01-0973 975
(CRIMINAL NO. 1:98-00100)

v.

UNITED STATES OF AMERICA.
Respondent,

HONORABLE DAVID A. FABER

MOTION FOR THE APPOINTMENT OF COUNSEL

Comes Now, The petitioner, John F. Hale, Jr. Pro-Se and respectfully request this Honorable Court to appoint counsel to represent him in the Appeal procedure for the following reasons:

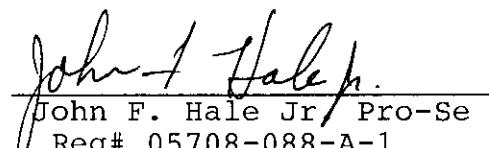
1. The petitioner is unable to afford counsel.
2. The issues involved in the Appeal process are complex.
3. Counsel can explain the applicable legal principles to the court and limit litigation to potentially meritorious issues.

In addition appointment of a lawyer provides the unlettered petitioner with an opportunity to obtain representation equally qualified with that professional counsel usually provided through government opposition.

I, John F. Hale, Jr. Hereby attest that all matters alleged to in the foregoing **MOTION FOR APPOINTMENT OF COUNSEL** are true and correct to the best of my knowledge.

Executed On This 19 Day of February 2002.

Respectfully Submitted


John F. Hale Jr. Pro-Se
Reg# 05708-088-A-1
F.P.C. Ashland
P.O. Box 6000
Ashland KY, 41105-6000

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BLUEFIELD

975

JOHN F. HALE, JR.
Petitioner,

CIVIL ACTION NO. 1:01-0973
(CRIMINAL NO. 1:98-00100)

v.

UNITED STATES OF AMERICA,
Respondent,

HONORABLE DAVID A. FABER

/

AFFIDAVIT IN SUPPORT OF THE PETITIONER'S
MOTION FOR APPOINTMENT OF COUNSEL

I, John F. Hale Jr. being duly sworn, deposes and says:

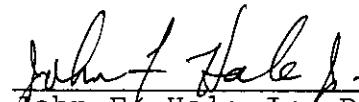
1. I am the petitioner in the above styled case. I make this affidavit in support of my motion for appointment of counsel.
2. The petition in this case alleges that he was deprived of his direct appeal. Due to his defense lawyers negligence.
3. The direct appeal process is complex and such contains difficult issues involving complex laws and statutes beyond the knowledge of the petitioner to argue.
4. The petitioner has limited education and training in the law.
5. The petitioner, pursuant to § 1915, request the court to appoint counsel to represent him in his direct appeal.

6. Petitioner is relying on a layperson with out legal training as in GARRETT V. UNITED STATES, 178 F. 3d. 940 for the writing of this motion and initial 2255 petition.
7. As set forth in the face of this motion, with the legal merits of the petitioner's claim, this affidavit supports the appointment of counsel to represent petitioner.

WHEREFORE, Petitioner prays that this Honorable Court grant motion for appointment of counsel, to file his direct appeal to the Fourth Circuit Of Appeals.

Executed On This 19 Day Of February 2002.

Respectfully Submitted


John F. Hale Jr. Pro-Se
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